

REMARKS

In an Office Action mailed April 4, 2007, the Examiner required restriction to one of the following inventions under 35 U.S.C. 121:

- Group I, claims 1-31, 46-49, 51-58, drawn to communications, classified in class 707, subclass 10;
- Group II, claims 32-44, 50, drawn to database maintenance, classified in class 707, subclass 200;
- Group III, claim 45, drawn to generating a data structure, classified in class 707, subclass 101.

In the Office Action mailed April 4, 2007, the Examiner asserted that the inventions listed in Groups I, II and II are related as subcombinations disclosed as usable together in a single combination. In response to the Examiner's requirement Applicant provisionally elects Group I, claims 1-31, 46-49, and 51-58, with traverse.

Examiner asserts that the inventions in Group I, Group II, and Group III are related as subcombinations disclosed as usable together in a single combination. Such restriction is proper *if* "the subcombinations do not overlap in scope and are not obvious variants." MPEP § 806.05(d). A review of the independent claims, as grouped by Examiner, demonstrates overlapping material:

Group I: Database communication network comprising a first database system, a second database system, and an identification system that provides database identification to both databases (claims 1, 46); Database system comprising a database and a matching component (claim 30); Communication network comprising at least two database systems, a server with a database, and a connection component (claim 47); Method of network-based communication comprising transmitting information out of a first database to a second database (claim 51)

Group II: Database system comprising a database, a sync application to receive first outgoing information from the database and a communication component to identify the target database (claim 32); Method of network-based communication comprising designating a unique identifier for a database

system on a network for each record in the database system and establishing synchronized communications between the database system and any other database system (claim 50)

Group III: Database system on a network comprising a database and an identification application in communication with the database to apply a unique identification to a record in the database (claim 45)

Groups I and Group II both recite databases and an identification component. Group II and Group III both recite databases and a unique identifier for records for communication via a network. Based on at least the foregoing, the restriction requirement does not satisfy the requirement of MPEP § 806.05(d) of non-overlapping scope.


Moreover, if the search and examination of all claims in an application can be made without serious burden on the Examiner, then the Examiner must examine them on the merits (MPEP §803; MPEP § 806.05(d)). Because substantially the same search will be required for the claims in Group II and Group III as for the claims in Group I, there is no serious burden on the Examiner to search and examine all the claims together. Applicants observe that Examiner identified distinct classifications for each group. However, Applicants note that the claims could have just as readily been group differently in such a manner that demonstrates no serious burden for searching all claims, such as classifying all the claims in class/subclass 707/10. For example, Group II (claims 32-44 and 50) is identified as class/subclass 707/200, “File or Database Maintenance.” However it is unclear to Applicants why claim 50 (unique record identifier) would be classified as relating to maintenance but claim 45 (unique record identifier) is classified as class/subclass 707/101, “Manipulating data structure (e.g., compression, compaction, compilation).” Similarly, it is unclear to Applicants why claim 32 (database system comprising a database, a sync application, and a communication component) would be classified as “database maintenance” when claim 47 (database, server, and a connection component) is classified as class/subclass 707/10, “Distributed or Remote Access” for Database of File Accessing.

In light of the foregoing comments, Applicants respectfully request reconsideration of the Examiner’s requirement of restriction.

Conclusion

If the Examiner believes that a teleconference would be of value in expediting the allowance of the pending claims, the undersigned can be reached at the telephone number listed below. It is believed that no petition or payment for extension of fees is due. If, however, it is believed that any additional fees are necessary, the Commissioner is hereby authorized to charge or credit any such fees or overpayment to Deposit Account No. 50-1901 (Reference #23515-3001).

Respectfully submitted,

By 
Christopher R. Hilberg, Reg. No. 48,740
Customer No. 34205

Oppenheimer Wolff & Donnelly LLP
45 South Seventh Street, Ste. 3300
Minneapolis, MN 55402
Telephone: (612) 607-7237